

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY  
OF NEW JERSEY,

Public Employer,

-and-

Docket No. CU-2020-005

AMERICAN ASSOCIATION OF UNIVERSITY  
PROFESSORS, BIOMEDICAL AND HEALTH  
SCIENCES OF NEW JERSEY,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission grants the AAUP's request for review of the Director of Representation's decision on its clarification of unit petition seeking to include certain Rutgers employees in a collective negotiations unit of biomedical health sciences faculty represented by the AAUP. The Commission grants the request for review because it raises a substantial question of law concerning application of the Act's supervisory exemption. The Commission finds that the record does not support Rutgers' assertion that the five remaining disputed employees are statutory supervisors because their level of involvement in the evaluation process does not rise to the level of effectively recommending personnel actions for other AAUP unit employees. The Commission modifies the Director's decision to include the five remaining disputed employees in the AAUP unit.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY COLLEGE OF MORRIS,

Respondent/Charging Party,

-and-

Docket Nos. CO-2021-228  
CE-2021-011

FACULTY ASSOCIATION OF  
COUNTY COLLEGE OF MORRIS,

Charging Party/Respondent.

SYNOPSIS

The Public Employment Relations Commission remands a Hearing Examiner's decision to the Hearing Examiner to hold a supplemental hearing and issue supplemental findings and a supplemental report reapplying the standards set forth in Bridgewater Tp., 95 N.J. 235 (1984) for determining whether an unfair practice occurred. The Hearing Examiner's decision found that the County College of Morris (CCM) violated subsections 5.4a(1) and (3) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. based on an unfair practice charge filed by Faculty Association of County College of Morris (Association) alleging that CCM retaliated against six unit employees for protected union activity by not reappointing them to their faculty positions for the 2021-2022 academic year. The Commission grants the CCM's exception to the Hearing Examiner's finding of anti-union hostility based on an incident described in a police report that occurred after the non-reappointment decisions were made. The Commission partially grants CCM's exception concerning the negative inference the Hearing Examiner drew from CCM's President not testifying, finding that the negative inference was appropriate but applied too broadly. The Commission finds that under these circumstances CCM should be afforded notice of the negative inference and the opportunity on remand to allow the CCM President to testify. The Commission partially grants CCM's exceptions to the Hearing Examiner's finding that CCM's proffered reasons for the non-reappointments were pre-textual, finding instead that the record demonstrates both lawful motives and anti-union motives that must be weighed appropriately on remand to determine whether, based on a preponderance of the evidence on the entire record, the non-reappointments would have taken place absent the protected conduct. Finally, the Commission finds that on remand the Hearing Examiner should reevaluate the varying levels of protected activity engaged in by the different

non-reappointed faculty to determine which ones may be entitled to relief.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

Communications Workers of America, AFL-CIO,  
Local 1031

Charging Party,

-and-

Docket No. CO-2024-055

Orange Public Library,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Communications Workers of America's (CWA) motion for summary judgment on its unfair practice charge, finding that the Orange Public Library (Library) violated sections 5.4a(1) and (5) of the Act. The Commission finds that it is undisputed that the Library unilaterally increased the salary of an employee without first negotiating with CWA. While the increase in pay was granted because additional work was assigned to the employee, salary is a mandatorily negotiable subject that may not be unilaterally altered by an employer. Thus, the Commission grants relief to CWA, ordering the Library to cease and desist from its unlawful conduct and to negotiate in good faith with CWA.

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P.E.R.C. NO. 2025-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF ALLENDALE,

Respondent,

-and-

Docket No. CO-2024-137

ALLENDALE PBA LOCAL 217,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies an appeal by Allendale PBA Local 217 from the Director of Unfair Practices' refusal to issue a complaint on its unfair practice charge against the Borough of Allendale. The charge alleged the Borough violated the Act by direct dealing with certain employees through entering a settlement agreement resolving Superior Court litigation which conflicted with the terms of a grievance settlement regarding retiree health benefits contributions, and by subsequently repudiating the grievance settlement and CNA. The Commission finds the Director properly found the PBA's direct dealing charge was untimely, and, accordingly, a legal determination cannot be made on the enforceability of the settlement agreement. For the same reason, the Commission finds there is no viable claim that the Borough repudiated either the grievance settlement or the CNA when it abided by the settlement agreement upon the retirement of an officer who was a party to it. The Commission further finds no inference of bad faith arises because the PBA and the Borough, in the grievance settlement, explicitly reserved their rights with respect to whether the settlement agreement controlled the level of retiree medical insurance contributions to be made by the officers who were party to it.

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